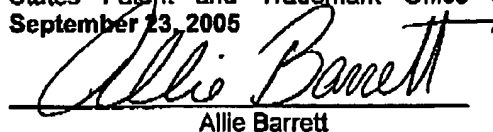


SEP 23 2005

PATENT

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is
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States Patent and Trademark Office on
September 23, 2005


Allie Barrett

Applicant: Schwartz et al.

Serial No.: 10/865,785

Filed: September 17, 2003

Title: LUMENAL VASCULAR
COMPLIANCE DEVICE
AND METHOD OF USE

Examiner: Prone, Christopher D.

Group Art Unit: 3738

Atty. Docket No.: 20220-501

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION UNDER 35 U.S.C. 121

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Responsive to the Restriction Requirement dated June 23, 2005,
Applicant responds as follows:

I. Election of Group

The Applicant hereby elects, without traverse, Group I, claims 1-17.

II. Election of Species

The Applicant hereby elects, with traverse, Species A, which the Examiner has correlated with Figures 1 and 2. In this regard, all of the claims of Group 1, namely, claims 1-17, read on the elected species. The assertion that all elected claims read on the elected species can be confirmed by referring to the specification where it is stated numerous times that the elastic member depicted in Figures 1 and 2 can include many different mechanisms for achieving the recited elasticity, including many of the mechanisms depicted in other drawing figures.

Applicant: Schwartz et al.
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Group Art Unit: 3738

PATENT
Docket No.: 20220-501

III. Conclusion

Claims 1-23 are pending before the Examiner. Of these claims, claims 1-17 are elected for substantive examination until a generic claim is allowed. Moreover, the election of claims is made without prejudice or disclaimer to seek prosecution of the non-elected claims in future divisional applications. Should contact with the undersigned facilitate further consideration of this application, the Examiner is encouraged to contact the undersigned at the number below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 50-2809.

Respectfully submitted,

Dated: September 23, 2005


James W. Inskeep, Esq.
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